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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/423,025	10/28/1999	HAROLD L. PETERSON	M5386-02	6247

7590 03/07/2007  
H. LEE PETERSON  
DIGITAL DELIVERY NETWORKS, INC.  
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EXAMINER
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ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
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3621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/423,025

Applicant(s)

PETERSON ET AL.

Examiner

Kambiz Abdi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on November 14, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- No claim has been amended.
- No claim has been canceled.
- No claim has been added
- Claims 1-25 are considered.

### ***Drawings***

2. The prior office action contained an objection to the drawings, which is repeated below.
3. The drawings are objected to because figures 1-11 are none descriptive. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. the newly submitted drawings on November 14, 2006 are not entered, because they are introducing new matter, which was not included in the original filling of the application.

### ***Response to Arguments***

5. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. What applicant has discussed in the filed response of November 14, 2006 has been a summarization of the claims limitations.
6. Applicant's arguments filed November 14, 2006 have been fully considered but they are not persuasive.
7. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent

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is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

8. A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

9. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth below.

10. If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The required appeal fee must accompany the Notice of Appeal.

11. If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

12. A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

13. Applicant also can file for Request for Continuation of Examination (RCE) as well, in order to enter the newly amended claims and examination of such amended claims. Please refer to MPEP

14. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), can be filed in this application after final rejection.

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15. The original rejections have been maintained below.

***Claim Rejections - 35 USC § 102***

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

17. Claims 1-25 are rejected under 35 U.S.C. 102 (e) being anticipated by Ronald J. Subler, U.S. Patent No. 5,646,992.

18. As per claim 1, Subler discloses;

communicating over a communications medium; (see column 4, lines 38-65) and storing at the personal computer (see column 4, lines 59-61 and column 16, lines 26-32) an inventory of assets which are instances of the digital content, wherein each said asset is protected from unauthorized use by a digital wrapper requiring at least one key for unwrapping, (see column 2, lines 22-28, wherein the Subler discloses a plurality of encrypted digital assets stored within the workstation able to communicate with a central order taking system),

displaying on the personal computer information about said inventory, accepting from a user of the personal computer a selection representing a particular said asset, (see column 1, lines 31-38 and see column 3, lines 45-52)

transmitting money representing payment for said selection and an identifier associated with said selection, via said communications means, (see column 2, lines 59-62, column 3, lines 32-32, and column 4, lines 56-64, wherein the order may also include information which is unique to the particular workstation being used and assures that the acknowledgment returned in response to the order will permit use of the items only on the particular workstation. The order may be delivered to the order taker under program control (e.g., via FAXmodem, modem,

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network packet, or cable system) or under user control (e.g., via voice telephone call, FAX, or printed matter) Subler reference corresponds to above limitations. ),

receiving all said keys required for unwrapping said selection, via said communications means, and (see column 14, lines 40-49),

unwrapping said digital wrapper protecting said selection; and receiving said money and said identifier from the personal computer, via said communications means, (see column 2, lines 59-62) and transmitting one said key associated with said selection back to the personal computer (see column 2, lines 21-27).

19. Regarding claim 2, Subler discloses receiving said one said key as a first said key, via said communications means; and (see column 2, lines 59-63) transmitting a second said key back to the personal computer, wherein both said first said key and said second said key are together required to unwrap said digital wrapper protecting said selection. (see column 9, lines 65-67, and column 10, lines 1-11, wherein Subler reference describes the well known multiple key encryption/decryption scheme that corresponds to the above limitations).

20. Regarding claim 3, Subler anticipates an order taking systems (Clearing House) or publishers, wherein said master server means is further for transmitting updates to said information about said assets and to said inventory of said assets to the personal computer. (see column 3, lines 16-23)

21. Regarding claim 4, Subler discloses, creating a user profile based upon said user's inputs on the personal computer, and transmitting said user profile (see column 5, lines 55-64) and a unique indicia to said master server means; and said master server means is further for tailoring said updates based upon said user profile (see column 10, lines 54-63 and column 15, lines 20-42).

22. Regarding claim 5, Subler discloses, communication medium is a member of the set consisting of telephone systems, local area networks, and wide area networks (see column 4, lines 55-64)

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23. Regarding claim 6, Subler discloses, communication medium is the Internet (see column 4, lines 55-64, wherein referring to Subler's reference to "Network Packets" as the Internet is called today, corresponds to above limitation).

24. Regarding claim 7, Subler discloses, wherein said client means stores said inventory in a storage means which includes at least one member of the set consisting of hard drives and removable media systems (see column 16, 28-32).

25. Regarding claim 8, Subler discloses, storage means includes a said removable media system and said removable media system is a member of the set consisting of CD drives, DVD drives, and magnetic tape drives (see column 16, 28-32 and lines 41-43).

26. Regarding claim 9, Subler teaches, wherein said storage means includes a said hard drive (see column 16, lines 28-32; clearly a Hard Drive can be used instead of the CD-ROM at the workstation) and a sector steal scheme is used in said digital wrappers protecting said assets (see column 2, lines 20-45 and column 9 line 65 bridging column 10, lines 10-26).

27. Regarding claim 10, Subler discloses, so that a said key issued to unwrap a said asset on a particular said storage means may not also be used to unwrap a same said asset present on a different said storage means (see column 4, line 56-66).

28. Regarding claim 11, Subler discloses, digital wrapper employs a member of the set consisting of key-required-activation and key-required-decryption (see column 10, lines 1-11).

29. Regarding claim 12, Subler discloses,

- a) providing on the personal computer a pre-stored inventory containing a plurality of assets, wherein said assets are instances of the digital content and are protected from unauthorized

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- use by a digital wrapper requiring at least one key for unwrapping;( see column1, lines 5-6 and lines 62-63, column 7, lines 10-13, column 9, lines 32-48, and column 16, lines 20-27)
- b) displaying on the personal computer information about said inventory; (see column 3, lines 45-52)
  - c) accepting from a user of the personal computer a selection representing a particular said asset; (see column 5, lines5-30)
  - d) transmitting money representing payment for said selection and an identifier associated with said selection from the personal computer to a clearing house, via a communications system; (see column 3, lines 30-31 and column 4, lines 51-64)
  - e) receiving at least one key associated with said selection at the personal computer; (see column 16, lines 20-26)
  - f) unwrapping said digital wrapper protecting said selection using all said keys required for said selection. (see column 15, lines 49-56)
1. Regarding claim 13, Subler discloses,
- a. receiving at the personal computer a first said key from said clearing house (see column10, lines 2-5);
  - b. transmitting from the personal computer said first said key to a master server, (see column 10, lines 5-11, column 15, lines 49-56 and column 18, lines 39-53) ; and
  - c. receiving back at the personal computer a second said key (see column 10, lines 5-11, column 15, lines 49-56).

30. Regarding claim 14 and 17, it is rejected over Subler. The same rational in rejecting claim 12 and 16 is being applied to claim 14 and 17, wherein step (b) through step (f) are performed using a graphical user interface presents said assets metaphorically as merchandise and unites of service in aisles of store. But what Subler teaches is, plurality of digital assets (items) displayed hierarchically organized graphical



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representations of items and groups of the items of digital information which are available to be ordered by a user(see column 1, lines 32-38 and column 3, lines 46-52).

31. Regarding claim 15 and 18, Subler teaches that the graphical user interface (see column 1, line 32-38 and column 3, lines 45-52) is embedded in the Suber's reference that different groups of items represent said graphical user interface further presents said stores metaphorically as a member of set consisting of aisles, stores, villages, town squares, shopping centers, and malls.

32. Regarding claim 16, Subler discloses, a client for marketing digital content on a personal computer, comprising:

- an infrastructure engine including a user interface and a communications interface (see column 1, lines 39-42 and lines 50-53, column 3, lines 16-18, and column 4, lines 38-65);
- an inventory including a plurality of assets which are each instances of the digital content, wherein each said asset is protected from unauthorized use by a digital wrapper requiring at least one key for unwrapping (see column 2, lines 22-28, wherein the Subler discloses a plurality of encrypted digital assets stored within the workstation able to communicate with a central order taking system),
- and storage means for containing said infrastructure engine and said inventory (see column 16, 28-32 and lines 41-43).

33. Regarding claim 19, Subler discloses, the client of claim 16, wherein said communications interface operates with at least one member of the set consisting of telephone systems, local area networks, and wide area networks (see column 4, lines 55-64).

34. Regarding claim 20, Subler discloses, the client of claim 16, wherein said communications interface operates with the Internet (see column 4, lines 55-64, wherein referring to Subler's reference to "Network Packets" as the Internet is called today, corresponds to above limitation).

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35. Regarding claim 21, Subler teaches, the client of claim 16, wherein said inventory is stored in said storage means in a hard drive (see column 16, lines 28-32; clearly instead of CD-ROM a hard drive in clients workstation can be used.) and said digital wrapper uses a sector steal scheme (see column 2, lines 20-45 and column 9 line 65 bridging column 10, line 1-26).

36. Regarding claim 22, Subler discloses, the client of claim 16, wherein said inventory is stored in said storage means in a removable media system and said digital wrapper uses a member of the set consisting of key required-activation and key-required-decryption (see column 10, lines 1-11).

37. Regarding claim 23, Subler discloses, the client of claim 16, wherein said inventory is stored in said storage means in a removable media system which uses a member of the set consisting of CD's, DVD's, and magnetic tape (see column 16, 28-32 and lines 41-43).

38. Regarding claim 24, Subler discloses, the [system] client of claim 16, wherein:  
said storage means includes a pre-stored and substantially unique indicia (see column 2, lines 34-41); and at least one said key is coded to work only with said unique indicia, so that a said key issued to unwrap a said asset on a particular said storage means may not also be used to unwrap a same said asset present on a different said storage means (see column 4, line 56-66).

39. Regarding claim 25, Subler discloses, the client of claim 16, wherein said digital wrapper requires at least two said keys, so that multiple parties may each respectively and selectively control unwrapping of said assets (see column 10, lines 20-45).

40. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the

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teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Conclusion***

41. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- Dolphin, U.S. Patent No: 5457746, System and method for access control for portable data storage media.
- Chelliah et. al. U.S. Patent No: 5710887, Computer system and method for electronic commerce.
- Levine et. al. U.S. Patent No: 5745681, Stateless shopping cart for the web.
- Hellman, U.S. Patent No: 4658093, Software distribution system.
42. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
43. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.
44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (571)272-6702. The examiner can normally be reached on 10 AM to 6:00 PM.
45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fischer Andrew can be reached on (571)272-6779. The fax phone numbers for the organization where

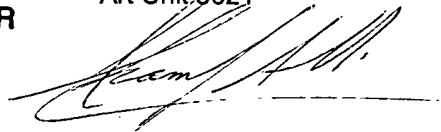
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this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

46. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600.

**KAMBIZ ABDI  
PRIMARY EXAMINER**

Kambiz Abdi  
Primary Examiner  
Art Unit 3621

A handwritten signature in black ink, appearing to read 'Kambiz Abdi', written over a horizontal line.

March 1, 2007

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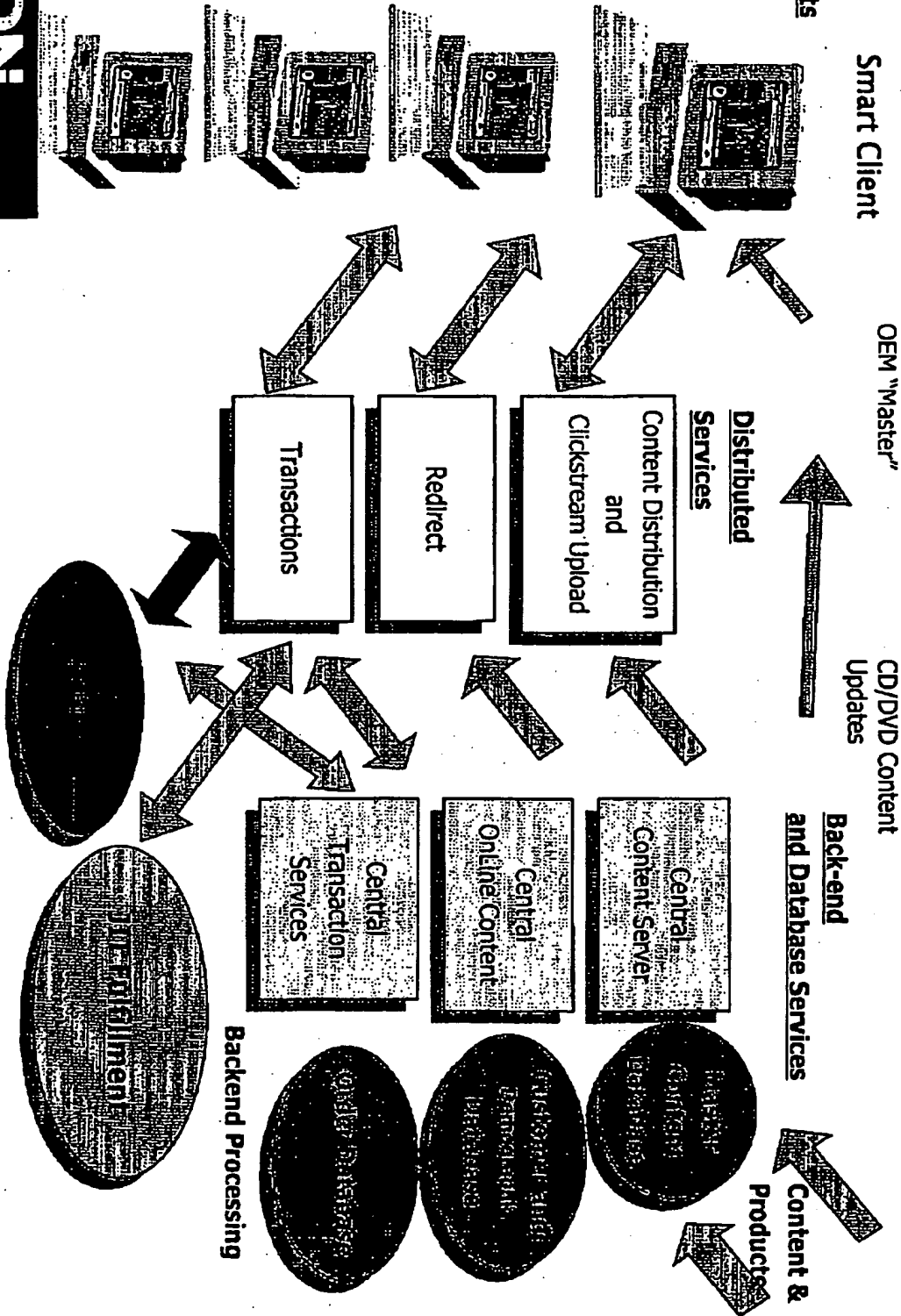
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Patent App# 09/423,025  
Detailed functional drawing #1

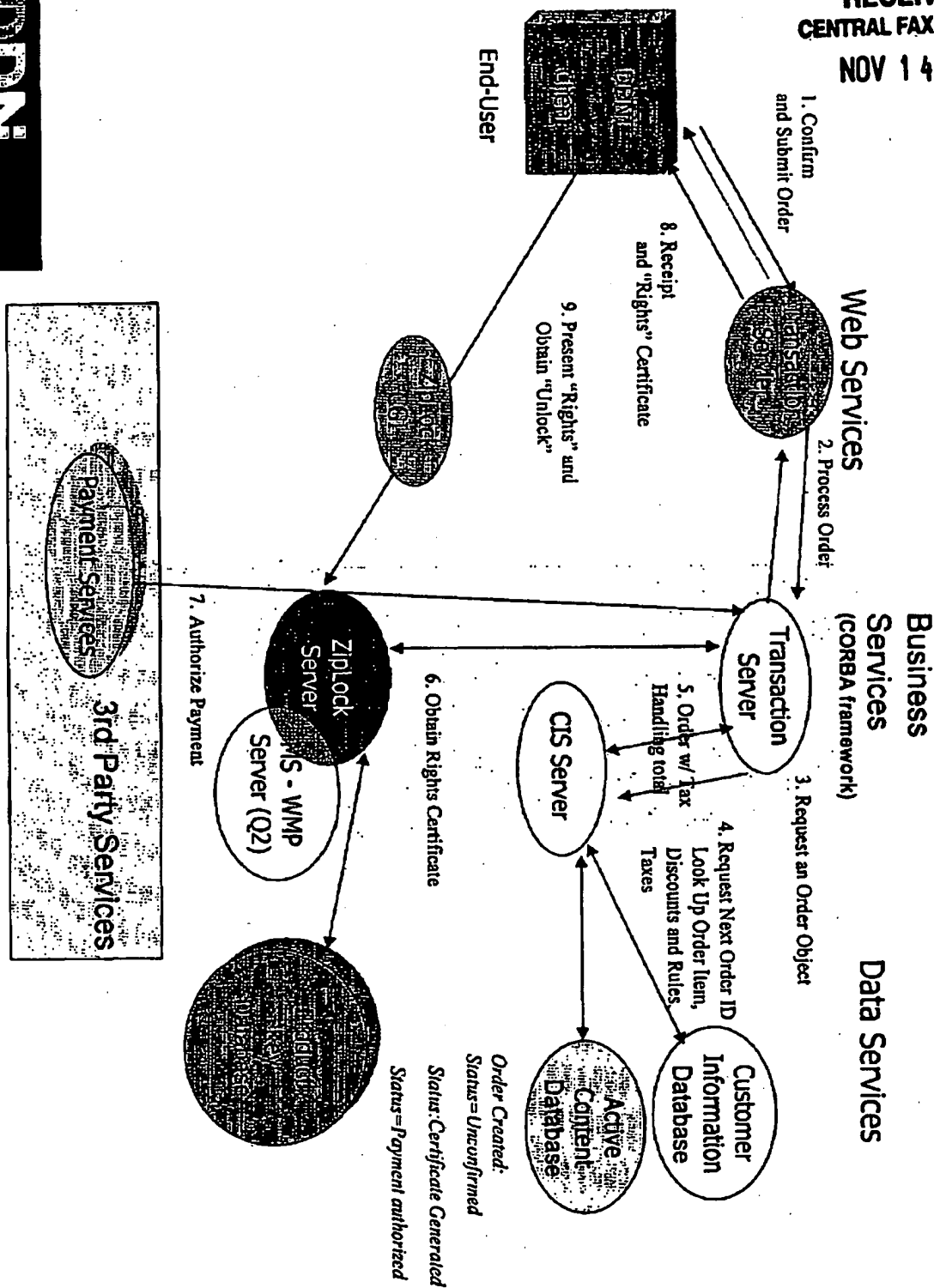
# DDNI Worldwide Customer Network



**Patent App# 09/423,025**  
**Detailed functional drawing #2**

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## DDNi Local Soft Goods and Services Purchase Flow



**DDN**  
Digital Delivery Networks, Inc.

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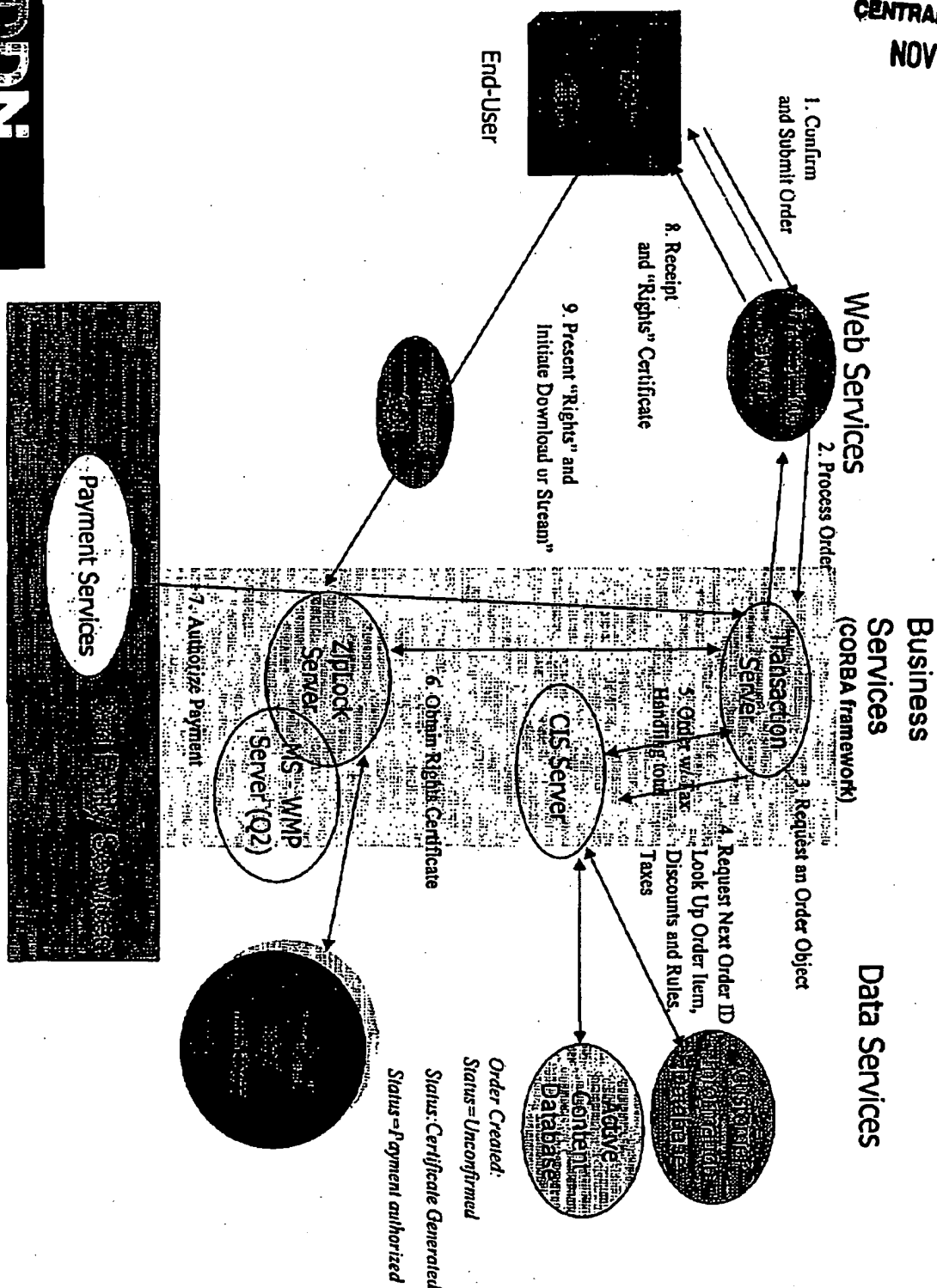
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**Patent App# 09/423,025**  
**Detailed functional drawing #3**

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## DDNI Remote Soft Goods Purchase Flow



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Patent App# 09/423,025  
Detailed functional drawing #4

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End-User

## DDNI Hard Goods Purchase Flow

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Digital Delivery Networks, Inc.

